

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-1(b)

22-09895 BKOBJ02
BROCK & SCOTT, PLLC
302 Fellowship Rd, Suite 130
Mount Laurel, NJ 08054
(844) 856-6646
Attorneys for Wells Fargo Bank, N.A.

In Re:

Maxine C. Christian aka Maxine Francesca Coleman-
Christian

Case No: 23-16988-SLM

Hearing Date: October 25,
2023

Judge: STACEY L. MEISEL

Chapter: 13

**OBJECTION TO CONFIRMATION
OF DEBTOR'S CHAPTER 13 PLAN**

Wells Fargo Bank, N.A. ("Creditor"), by and through its undersigned counsel, files this
Objection to Confirmation of Debtor's Chapter 13 Plan [DE 11], and states as follows:

1. The Debtor filed a voluntary petition pursuant to Chapter 13 of the Bankruptcy Code on August 14, 2023.
2. Creditor holds a security interest in the Debtor's real property located at 36 Concord Pl, Union, NJ 07083 (the "Property"), by virtue of a Mortgage.
3. The Debtor filed a Chapter 13 Plan (the "Plan") on September 5, 2023 [DE 11].
4. Debtor's Plan provides for funding based on a potential refinance of the Property, which must occur by March 1, 2024. Debtor's Plan is speculative in nature in that the Plan contemplates curing the arrears through a refinance of the Property that has not yet come to fruition.
5. The Plan does not include payments toward the Note and Mortgage with Creditor

while the refinance is pending. Although Creditor has not yet filed its Proof of Claim, it is anticipated that the claim will include a unpaid principal balance in the amount of \$88,174.39, whereas the Plan is silent on the amount being paid through a refinance.

6. Therefore, the Plan is not in compliance with the requirements of 11 U.S.C. §§ 1322(b)(3) and 1325(a)(5) and cannot be confirmed. Creditor objects to any plan which proposes to pay it anything less than \$88,174.39 over the life of the plan.

WHEREFORE, Creditor respectfully requests the entry of an Order which denies confirmation of the Plan unless such plan is amended to overcome the objections of Creditor as stated herein, and for such other and further relief as the Court may deem just and proper.

/s/Matthew Fissel

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Jay Jones, NJ Bar No. 972011
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CERTIFICATION OF SERVICE

1. I, Cassondra Emanuel:

☐ represent the _____ in the above-captioned matter.

☒ am the secretary/paralegal for BROCK & SCOTT, PLLC, who represents Wells Fargo Bank, N.A. in the above captioned matter.

☐ am the _____ in the above case and am representing myself.

2. On September 20, 2023, I sent a copy of the following pleadings and/or documents to the parties listed below:

OBJECTION TO CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN

3. I hereby certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Dated: September 20, 2023

/s/ Cassondra Emanuel
Cassondra Emanuel

| Name and Address of Party Served | Relationship of Party to the Case | Mode of Service |
|--|-----------------------------------|---|
| MAXINE C. CHRISTIAN 36 CONCORD PLACE UNION, NJ 07083 | Debtor | <input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *) |
| MARC C CAPONE 770 AMBOY AVENUE EDISON, NJ 08837 | Debtor's Attorney | <input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *) |
| Marie-Ann Greenberg 30 Two Bridges Rd Suite 330 Fairfield, NJ 07004 | Chapter 13 Trustee | <input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *) |
| U.S. Trustee Office of the US Trustee | US Trustee | <input type="checkbox"/> Hand-delivered |

| | | |
|--|--|---|
| One Newark Center Ste 2100 Newark, NJ 07102 | | <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *) |
|--|--|---|

* May account for service by fax or other means as authorized by the court through the issuance of an Order Shortening Time.